

REMARKS

Claims 1-33 are pending in the application. Claims 1-33 have been rejected. No amendments have been made. No new matter has been added.

Rejection of Claims under 35 U.S.C. § 112

Claims 1-33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding the rejection of claims 1, 11, 21, 30, and 33 for use of the term “asset,” Applicants respectfully submit that use of the term is appropriate. Applicants respectfully submit that the claim terms take on their ordinary meaning, absent some express intent to impart a novel meaning. The Office Action states that the term “an asset of the broadband communication network” is broad and does not specify what is being configured. The Examiner appears to have had no difficulty in formulating at least one (but not necessarily the only) example of the ordinary meaning of the term “asset” given that he states that “configuring an asset of said broadband communication network” is equivalent to “updating the Management Information Database of the ATM when a configuration is selected by the user.” Office Action page 4. Applicants respectfully submit that the claim term “asset” is not indefinite just because the claim term is broad, as breadth of a claim is not to be equated with indefiniteness. In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). Accordingly, claims 1, 11, 21, 30, and 33 are allowable for at least this reason.

Rejection of Claims under 35 U.S.C. § 102(e)

Claims 1-3, 7, 8, 9-13, 17-24 and 28-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al., U.S. Patent 6,636,505 (hereinafter “Wang”).

Applicants respectfully traverse this rejection.

Independent claim 1 has the following limitations:

determining whether said physical location falls within a set of service boundaries for said broadband communication network;

if said physical location falls within said service boundaries, electronically offering said user access to said broadband communication network;

In support of the assertion that Wang teaches these limitations, the Office Action states that Wang teaches “checking [the] location of [the] client and if service is available at that location.” Office Action page 3. The Office Action cites several portions of Wang, including column 8, lines 37-41, which state:

... [T]he process of configuring a user may be thought of as associating one or more “service profiles,” which define connection possibilities to a particular service provider 100, with a ‘user profile’ which defines the parameters for a particular user’s service.

Applicants have searched the cited portions and can find no reference to the physical location of the client personal computer or to boundaries for a service. In fact, the service profile is described as defining the “available ISPs with characteristics of a service, such as a premium quality service. The [service] profile does not need to specify specific devices but instead defines the attributes / values that must be set for a service to meet the quality standards of the service profile 160 (ex: UBR or VBR, and traffic attributes).” See Wang, column 8, line 64 through column 9, line 2. Because specific devices or

locations are not identified, Applicants do not believe that a service profile is location-specific or includes physical boundaries. Consequently, determining whether the physical location of the client computer falls within the service boundaries is not taught by the cited portions of the Wang reference. As such, independent claim 1 and its dependent claims 2-10 are allowable for at least this reason.

Independent claim 11 has the following limitation:

... in response to said order to remotely qualify said personal computer for said broadband communication network by determining whether said personal computer meets predetermined acceptance criteria for use of said broadband communication network ...

Applicants have searched the text of Wang cited against claim 11 and can find no reference to qualifying the personal computer and/or to predetermined acceptance criteria, and particularly not in response to receiving an order for service. The Office Action states that Wang “check[s] the client system for compatibility with [the] broadband network” (see Office Action, page 4). In support of this assertion, the Office Action cites, *inter alia*, column 7, lines 1-5, which state:

In order to provide automatic provisioning of the subscriber’s CPE 110 the following information must be provided: transport mechanism, information flow, and interfaces in to the customers CPE to carry information regarding network and service provider configuration.

Applicants can find no reference in the cited portions of Wang to checking the client system and/or determining compatibility with criteria of the broadband network. The assertion that information about the subscriber’s CPE 110 must be obtained to communicate with the CPE 110 does not imply that this information is checked for compatibility with criteria needed to communicate via the broadband network; it seems to support an assertion that information to automatically communicate with the subscriber’s

CPE 110 is provided to enable establishing a communication link. Furthermore, the above-cited information is not provided in response to an order for service; in fact, the actions described in the Office Action as equivalent to placing the order for service (citing Wang, column 6, lines 25-32) actually occur after the above-referenced information has been provided and the communication link is already established. See Wang, column 9, lines 47-52. Because all limitations of independent claim 11 are not taught by the Wang reference, independent claim 11 and its dependent claims 12-20 are allowable for at least this reason.

Independent claim 21 teaches an automation agent software program residing on the client personal computer that includes the following:

... a network availability module for determining whether said broadband communication network is accessible to said personal computer ...

Applicants can find no reference in the cited portions of Wang to software on the personal computer for determining whether the broadband network is accessible. In fact, Wang states that information about only reachable services is provided to the user's CPE: "[f]or each reachable service provider 100, an instance of this MIB table is sent over the ILMI to the user's CPE 110." The MIB table sent to the user's CPE 110 provides the user's CPE with information needed to establish a connection with each reachable service provider. Consequently, no software on the CPE 110 is needed to determine accessibility of the broadband network, as this information is provided to the CPE by the provisioning software. Because all limitations of independent claim 21 are not taught by the cited portions of the Wang reference, independent claim 21 and its dependent claims 22-29 are allowable for at least this reason.

Independent claim 30 includes the following limitation:

remotely determining whether an asset needed to communicate via a broadband communication network can be configured to communicate with a personal computer; and
in response to determining that said asset can be configured, initiating an automation agent on said personal computer to configure said personal computer to communicate via said broadband communication network.

Independent claim 33 includes substantially the same limitation. With reference to this limitation, the Office Action cites the same portions of Wang as cited above with reference to “checking the client system for compatibility with the broadband network.” See Office Action, page 6. Even taking into account the argument that “a device on the client side can be an asset of the broadband network” (see Office Action, page 2), the cited portions of Wang do not teach “determining whether an asset needed to communicate via a broadband communication network can be configured to communicate with a personal computer.” As shown above, no determination of compatibility or configurability of the client system, or of another asset, is taught by the cited portions of Wang. Because all limitations of independent claims 30 and 33 are not taught by the cited portions of Wang, independent claim 30, its dependent claims 31 and 32, and independent claim 33 are allowable for at least this reason.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 4-6, 8, 14-16 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al., U.S. Patent 6,636,505, in view of Bahlman, U.S. Patent 6,684,242. Each of claims 4-6, 8, 14-16 and 25-27 is a dependent claim depending from one of independent claims 1, 11, or 21. Each of independent claims 1, 11 and 21 has

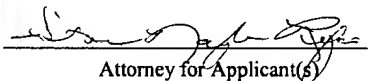
been shown to be allowable over the Wang reference standing alone. Consequently, claims 4-6, 8, 14-16 and 25-27 are allowable for at least the foregoing reasons.

In conclusion, claims 1-33 have been shown to be allowable for at least the foregoing reasons.

CONCLUSION

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on May 23, 2005.


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5/23/05
Date of Signature

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